**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN**

**FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929**

**OP.No. 25675 of 2001(F)**
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**PETITIONERS:**
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1. **V.VIJAYAN, SUPERVISOR,**
   **(PRESENTLY FIELD ASSISTANT, OIL PLAM**
   **INDIA, LIMITED, YAROOR ESTATE,**
   **BHARATHEEPURAM, KOLLAM.**

2. **P.SASI, SUPERVISOR, (PRESENTLY FIELD ASSISTANT)**
   **DO. DO.**

3. **P.K.MATHEW, SUPERIVISOR, DO. DO.**

4. **K.V.CHITHARANJAN, SUPERVISOR, DO. DO.**

5. **K.SADASIVAN, SUPERVISOR, (PRESENTLY FIELD ASSISTANT)**
   **DO. DO.**

6. **M.SASIDHARAN NAIR, DO. DO.**

7. **B.KUNJUKRISHNAN PILLAI, DO. DO.**

**BY ADV. SRI.P.RAMAKRISHNAN**

**RESPONDENT:**
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**OIL PALM INDIA LIMITED, KOTTAYAM,**
**REP.BY ITS MANAGING DIRECTOR.**

**BY ADV. SRI.SRI.E.K.NANDAKUMAR**
**SRI.A.K.JAYASANKAR NAMBIAR**
**SMT.PRIYA MAHESH**
**SMT.PRIYA MANJOORAN**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON 14/09/2007 DELIVERED THE FOLLOWING:**

**OP. 25675/2001**

**ORDER ON CMP. NO.41848/2001 IN OP. NO.25675/2001**

**DISMISSED**

**14.09.2007 SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1:- COPY OF THE PROCEEDINGS OF THE ASSISTANT SUPERINTENDENT ALLOCATING FIELDS TO FIELD ASSISTANTS AND SUPERVISORS DT. 30.8.80.**

**EXT.P2:- COPY OF THE CIRCULAR DETAILING DUTIES AND RESPONSIBILITIES OF SUPERIVISOR.**

**EXT.P3:- COPY OF THE CIRCULAR DETAILING DUTIES AND RESPONSIBILITIES OF THE FIELD ASSISTANTS ISSUED BY THE MANAGING DIRECTOR.**

**EXT.P4:- COPY OF THE PROCEEDINGS ISSUED BY THE ESTATE MANAGER DT. 30.7.97.**

**EXT.P5:- COPY OF THE OFFICE ORDER NO.013/95 DT. 20-.4.95 ISSUED BY THE RESPONDENT.**

**EXT.P6:- COPY OF THE ORDER OP/PD/89 DT. 9.4.01 ISSUED BY THE RESPONDENT.**

**RESPONDENTS EXHIBITS**

**EXT.R1(a):- COPY OF THE GOVERNMENT ORDER GO(MS) NO.42/03/AD DT. 25.2.03.**

**EXT.R1(b):- COPY OF THE OFFICE ORDER NO. OP/PD/272 DT. 14.3.03.**

**/TRUE COPY/**

**P.A. TO JUDGE**

**tss**

**THOTTATHIL B.RADHAKRISHNAN, J.**

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O.P.No.25675 OF 2001

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Dated this the 14th day of September, 2007

**JUDGMENT**

Petitioners joined the service of the Plantation Corporation Limited in the year 1972 and in 1975, following the bifurcation of that establishment, they came over to the service of the respondent Oil Palm India Ltd. In 1979, notifications were issued by the respondent for appointment to the post of Supervisors. The petitioners were so appointed in 1980 after written test and interview.

2. According to the petitioners, at about the same time of their appointment as Supervisors, respondent had recruited Field Assistants with the minimum qualification as SSLC and during the course of their employment, Supervisors officiated as Field Assistants.

3. According to the petitioners, the duties and responsibilities of Field Assistants and Supervisors are one and the same and at

the time of their recruitment, the minimum qualification prescribed for appointment as Field Assistants and Supervisors were also the same. They, accordingly, claim that Supervisors are entitled to parity in scales of pay with that of Field Assistants on principles of equal pay for equal work.

4. Going by para 3 of the writ petition, it is the admitted situation that even at the point of time of their recruitment as Supervisors in 1980, the scale of pay of Supervisors was lower than that of Field Assistants. Petitioners had sought relief by moving this Court filing O.P.No.1688/99, which ultimately led to its dismissal and institution of W.A.No.51/01 against that judgment, which, in turn, was disposed of directing a representation of the petitioners to be considered by the respondents. Petitioners challenge Ext.P6 decision, in the writ petition in hand, rendered by the Managing Director of the respondent deciding the petitioners representation adverse to their interest.

5. As already noticed, even at the time of their appointment as Supervisors, the scale of pay of Supervisors was at Rs.265-585, while that of Field Assistants was Rs.335-959. Petitioners contend that a comparison of the duties and responsibilities of the Supervisors and Field Assistants on the basis of Exts.P2 and P3 would show that the duties and responsibilities of both the categories are one and the same. But the undisputed fact remains that some time in 1983, Recruitment Rules were brought in, whereby, direct recruitment is provided to 50% of the posts of Field Assistants and the remaining 50% is to be filled up from among Supervisors, by promotion. If the claim for parity is to be allowed, parity has to be granted between a promotion post and a post in the feeder category. That apart, by the Recruitment Rules, the qualification fixed for direct recruitment is a degree from a recognised university in Botany/Forestry or diploma in Agricultural Science from the Agricultural University and for promotion from the category of Supervisors, the incumbent should have 7 years experience as Supervisor in the respondent company.

6. After noticing the quality of recruitment and the fact that Supervisors form the feeder category for promotion to the 50% in the category of Field Assistants, the contention in the counter affidavit regarding the comparable nature of the duties and responsibilities also require to be considered. It is specifically contended in para 10 that the duties and responsibilities narrated in Sl. Nos.3, 6, 7 and 10 for Field Assistants, as per Ext.P3, do not figure in Ext.P2 meant for the Supervisors. Though learned counsel for the petitioners earnestly attempted to point out that some of their duties and responsibilities are also there among those enumerated in Ext.P2, I do not find that any such close examination would lead to a conclusion that the duties and responsibilities of the Field Assistants and Supervisors are at par.

7. The materials on record may show that Supervisors have worked as Field Assistants when Field Assistants were not available or that Field Assistants had carried out the duties and

responsibilities of Supervisors when personnel of such category were not available. This does not automatically mean that the duties and responsibilities of Supervisors are the same as that of Filed Assistants.

8. As already noticed, the scales of pay were different from inception. The qualification and method of recruitment are also different. A Supervisor with 7 years experience and SSLC qualification is in the feeder category for promotion to the category of Field Assistant. Hence, it will be wholly unreasonable to enforce any equation in pay scales by holding that Supervisors are entitled to parity in scales of pay with that of Field Assistants in the service of the respondent.

9. On the totality of facts and materials, it is unavailable and impermissible to hold that the duties and responsibilities of the Supervisors and those of Field Assistants in the service of the respondent are one and the same.

In the result, the writ petition fails. The same is accordingly dismissed. No costs.

Sd/-

**THOTTATHIL B.RADHAKRISHNAN,**
**Judge**

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.25675 OF 2001

JUDGMENT

14th SEPTEMBER, 2007.

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